

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BELLA BLAND,

No. 3:23-cv-00448-JR

Plaintiff,

ORDER

v.

JEFFREY HEBNER, an individual, and
DG LLC dba Dream Girls Espresso, an
Oregon Limited Liability Company,

Defendant.

HERNÁNDEZ, Senior Judge:

Magistrate Judge Russo issued a Findings and Recommendation on June 21, 2024, in which she recommends that the Court grant Plaintiff's Second Amended Motion for Entry of Default Judgment and award \$13,109 in economic damages and attorney fees in the reduced amount of \$3,223.75. F&R, ECF 34. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, the Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made).

The Court agrees with Judge Russo that the attorney fee award should be reduced to \$3,223.75. The Court, however, declines to award Plaintiff \$13,109 in economic damages. While Plaintiff's request for \$9,125.00 in economic damages related to her claim for retaliation is supported by the record, *see* Pl. Decl. ¶¶ 4-15, the record does not support Plaintiff's claim for \$3,984 in unpaid wages. At the evidentiary hearing, Plaintiff testified that she drove 30 minutes to and from Defendant Hebner's house after every shift and spent, on average, 45 minutes to an hour at his home. In her declaration, Plaintiff states that she worked three shifts a week for three weeks between July and August 2020, two shifts per week for 20 weeks from August 2020 to January 2021, and one shift per week for two weeks in January 2021. Pl. Decl. ¶¶ 7-13. Assuming Plaintiff was not paid for an hour and a half of work after every shift, this amounts to a total of \$918 in unpaid wages. Taken together, the Court finds that Plaintiff is entitled to \$10,043 in economic damages.

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CONCLUSION

The Court ADOPTS IN PART Magistrate Judge Russo's Findings and Recommendation [34]. Accordingly, Plaintiff's Second Amended Motion for Default Judgment [31] is granted in part. Plaintiff is awarded \$10,043 in economic damages and \$3,223.75 in attorney fees.

IT IS SO ORDERED.

DATED: September 19, 2024.



MARCO A. HERNANDEZ
United States Senior District Judge